

**ENTERED**

August 25, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Maron Smith,

*Plaintiff,*

v.

J.. Foster, J. Valdez, and A.  
Jackson,*Defendants.*§  
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Civil Action No. 4:24-cv-04215

**MEMORANDUM AND RECOMMENDATION**

On June 30, 2025, this Court entered its third order notifying Plaintiff Maron Smith that she has failed to submit proof that any defendant was properly served with the summons and complaint. Dkt. 17; *see also* Dkt. 5 (January 31, 2025 non-compliance order); Dkt. 9 (May 6, 2025 non-compliance order). As the latest order states, the returns or service that were documented are deficient. *See* Dkt. 17 at 1. Indeed, Plaintiff's own filing notes that the Harris County Attorney's Office had already advised of those service defects. *See* Dkt. 16.

By rule, Plaintiff's deadline for effectuating service of process expired almost eight months ago. *See* Dkt. 1 (complaint filed October 29, 2024); Fed. R. Civ. P. 4(m) (90-day deadline for service of process). This Court gave

Plaintiff three chances to ensure that defendants were properly served. In the latest order, this Court granted Plaintiff only until August 4, 2025, to file proof that defendants were properly served. *See* Dkt. 17 at 2. That order also warned, in bold font, that “any failure by Plaintiff to promptly remedy the lack of service of process may result in the dismissal of this case.” *Id.* (emphasis removed).

Plaintiff has not complied with this Court’s directives nor heeded repeated warnings that lack of timely service could lead to dismissal. Accordingly, Plaintiff’s claims should be dismissed for want of prosecution.

### **Recommendation**

For the foregoing reasons, it is **RECOMMENDED** that Plaintiff Maron Smith’s claims be **DISMISSED WITHOUT PREJUDICE** for want of prosecution and failure to comply with court orders.

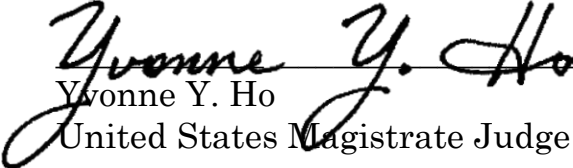
It is further **ORDERED** that the September 5, 2025 initial conference is **CANCELED**.

The Clerk of Court must send a copy of this opinion by email and regular mail to Plaintiff’s addresses of record.

**The parties have fourteen days from service of this Report and Recommendation to file written objections. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Failure to file timely objections will preclude appellate review of factual findings and legal conclusions, except for**

plain error. *Ortiz v. City of San Antonio Fire Dep't*, 806 F.3d 822, 825 (5th Cir. 2015).

Signed on August 25, 2025, at Houston, Texas.

  
Yvonne Y. Ho  
United States Magistrate Judge